



Crl.R.C.(MD)No.603 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.R.C.(MD)No.603 of 2025

Dharmaraj

... Petitioner

Vs.

Srinivasan

... Respondent

Prayer : Criminal Revision Case is filed under Section 438 r/w 442 of BNSS, to call for the records of the orders passed by the learned Judicial Magistrate, Tenkasi dated 10.03.2025 in C.C.No.929 of 2023 and set-aside the same as without jurisdiction and non-application of mind.

For Petitioner : Mr.Ananth C.Rajesh

For Respondent : No Appearance

ORDER

Challenging the order passed by the learned Judicial Magistrate, Tenkasi in C.C.No.929 of 2023, dated 10.03.2025, this criminal revision case is filed.



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2. Notice has been duly served on the respondent and the name of the respondent is also printed. However, the respondent has not chosen to appear either through counsel or in person.

3. The learned counsel for the petitioner submitted that the impugned order has been passed without jurisdiction by invoking the suo motu powers under Section 245 of the Code of Criminal Procedure which is for discharging the accused in a private complaint filed by the respondent. The learned Judicial Magistrate had passed an order under Section 245 of the Code of Criminal Procedure for adding the offenses. Originally, the private complaint was filed for the offenses under Sections 383, 464 and 506(ii) of IPC. However, by the impugned order, the learned Judicial Magistrate had added offenses under Sections 420, 465, 468 and 471 of IPC in addition to the other offenses, for which the private complaint was filed. Such an exercise is *per se* illegal and sought for allowing the revision case.

4. Section 245 of the Code of Criminal Procedure, 1973 obviously deals with the circumstances as to when an accused shall be discharged



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and the same is extracted as follows :

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“(1) If, upon taking all the evidence referred to in Section 244, the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.

(2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.”

5. If at all the Magistrate intends to alter the charges, the same ought to have been done only under Section 216 of the Code of Criminal Procedure, 1973. In view of the same, the impugned order is hereby set aside.

6. Hence, this Criminal Revision Case is allowed.

21.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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L.VICTORIA GOWRI ,J.

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To

- 1.The Judicial Magistrate,
Tenkasi.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
Crl.R.C.(MD)No.603 of 2025

Dated: 21.08.2025